

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 4, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Vice Mayor Rogers in the Chair. Council Members Cole, Lambke, Martz, Rogers; present. *Council Members Gale, Pisciotte; absent. Vice Mayor Rogers absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Gary Rebenstorf.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

*Council Member Pisciotte present.

Minutes -- approved

The minutes of the regular meeting of April 27, 1999, as corrected, were approved 5 to 0. (Gale, Knight; absent)

AWARDS AND PRESENTATIONS

*Council Member Gale present.

SERVICE AWARDS

Wichita's Promise - Youth Community Service Awards were presented.

PROCLAMATIONS

Vice Mayor Rogers presented the Proclamations that were previously approved.

UNFINISHED BUSINESS

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE - 5503 N. SULLIVAN. (DISTRICT VI)

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-406.

This property was before the BCSA for review on December 7, 1998. No one was present to represent the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on February 2, 1999, and was deferred until February 23, 1999, at the request of the attorney who is representing the estate of the recently deceased owner.

Council considered the case at the February 23, 1999, hearing and adopted a resolution to allow 60 days for the matters of the estate to be settled and obtain bids to schedule a closing date for the sale of the property. Council further directed that if these conditions were met, the property would return to the Council for further consideration.

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The property was sold on April 23, 1999. The new owner, Don Moore, is getting bids to have the property demolished.

The 1994, 1995, 1996, and 1997 taxes were paid at closing. There is a pending assessment for nuisance abatement in the amount of \$4,303.48, which Mr. Moore will pay.

The new owner has been notified of the date and time of this Hearing.

Motion -- carried

Lambke moved that an additional 30 days be allowed for completion of repairs. Motion carried 6 to 0. (Knight absent)

CU-500

CU-500 - CONDITIONAL USE REQUEST TO ALLOW VEHICLE SALES ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-133 a.

MAPC Recommendation: Approve the Conditional Use request (9-5).

Staff Recommendation: Deny the Conditional Use request.

CPO Recommendation: Deny the Conditional Use request (4-1).

The applicants request a Conditional Use to permit automobile sales on a .7 acre site zoned "LC", Limited Commercial. The site is approximately the north one-half of Lot 1, Silver Springs East Addition. The plat has complete access control along both streets for the first 40 feet of the lot from the intersection of both Harry and Rock. Currently, there are two access points on Rock Road and one on Harry, adjacent to the application area. The plat also depicts a 35 foot building setback along the north and west property lines. A vacant gas station and muffler repair shop are currently located on the property today.

Land adjoining the application area is zoned "LC", Limited Commercial and developed with a variety of retail / convenience sales and service uses, such as a commercial retail center, gasoline and convenience store and fast food. There is also an office use located east of the site on "GO", General Office zoning. A drainage ditch is located just east of the application area.

Outdoor vehicle and equipment sales in the "LC" district is subject to six conditions: 1. The site is to be contiguous to a major street; 2. If the site is contiguous to residential zoning districts, visual screening is required; 3. Storage and display areas must be paved; 4. Lighting standards must be met (cut-off luminaries shall be employed and lights are not to be mounted at a height exceeding one-half the distance from neighboring lots) and no string-type lights shall be permitted; 5. Compatibility noise standards must be met (no sound system capable of being heard on residentially zoned land within 500 feet of the site is permitted) and 6. No repair work is allowed except in an enclosed building, and no body or fender work is allowed at any time. The code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet of lot area used for vehicle sales, display or storage purposes and one space per each 10,000 square feet of lot area uses for sales, display or storage purposes.

Staff recommended that the request be denied, because it was not in character with surrounding uses, and not consistent with the Comprehensive Plan which calls for limiting these uses to locations where auto sales are already established or the uses are non-retail. However, staff did prepare recommended conditions in case the request was approved.

At the December 14th CPO 2 Council hearing, the applicant's agent discussed this proposal. Two neighbors were present at this meeting and voiced the following concerns: traffic traveling up and down

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nearby side streets; "junker" cars being offered for sale; and an increase in theft in the area. After discussion the CPO voted 7-1 to approve the request, subject to staff's recommendations.

The case was deferred from the December 17th MAPC hearing, at the applicant's request.

At the January 14th MAPC hearing, the applicant's agent spoke about the request. No one spoke in opposition to this request. After discussion the Planning Commission voted 5-4 to approve the request subject to the conditions found in the staff report, placed a three year time limit on the operation, required the applicant to guarantee the closure of the northern most driveway to Rock Road, and the canopy being removed. The four dissenting votes were concerned about the possibility of allowing additional car lots in this area and the outside storage of vehicles along Rock Road.

This Conditional Use request was appealed by the Director of Planning to the February 9th Wichita City Council meeting.

At the February 9th City Council hearing, the request was referred back to CPO 2 and MAPC for reconsideration. This was due to a letter faxed to the City Council by the President of the Cedar Lakes Village Condominium Association opposing this request.

At the CPO hearing on March 22nd, the Council voted 4-1 to deny this request. The new president of the Cedar Lakes Condominium Association stated at the meeting that she did not oppose this request, nor did members of her association who met with the applicant and his agent.

At the March 25th MAPC hearing, the Commission voted 9-5 to approve this request subject to the conditions approved at the January 14th MAPC hearing. The applicant's attorney presented this request. One person from the residential area east of the condominiums spoke in opposition to this request, stating the increasing number of small vehicle sales operations at defunct gas stations as a serious problem that needs to be addressed.

Council Member Pisciotte Council Member Pisciotte suggested the request be approved subject to the following additional conditions:

1. Landscaping be professionally maintained and that the shrubs and trees will be cared for, and replaced if necessary.
2. Initial signage and any significant sign changes will be presented to the MAPD for approval prior to permitting.
3. The exterior of the buildings will be repainted in a neutral color(s).
4. All automobiles displayed for retail sale will be of the standard and quality as is currently available at the new car dealership in Winfield, Kansas, and that automobiles which are trade-ins and cannot be warranted will not be held for retail sale.
5. No trailers will be held for rental.
6. The conditional use will terminate if Winfield Motor Company ceases operation at this location or has a change of control within the motor company.

Larry Rayburn

Larry Rayburn, applicant, agreed to the additional conditions.

Motion --

Pisciotte moved that the request be approved subject to the following additional conditions:

1. Landscaping be professionally maintained and that the shrubs and trees will be cared for, and replaced if necessary.
2. Initial signage and any significant sign changes will be presented to the MAPD for approval prior to permitting.
3. The exterior of the buildings will be repainted in a neutral color(s).
4. All automobiles displayed for retail sale will be of the standard and quality as is currently available at the new car dealership in Winfield, Kansas, and that automobiles which are trade-ins and cannot be warranted will not be held for retail sale.
5. No trailers will be held for rental.

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The conditional use will terminate if Winfield Motor Company ceases operation at this location or has a change of control within the motor company.

-- carried

Motion carried 4 to 2. Cole, Lambke - No. (Knight absent)

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DP-241

DP-241 - REQUEST FOR THE APPROVAL OF THE NEVILLE PROPERTY C.U.P.; AND SCZ-0785 - REQUEST ZONE CHANGE FROM "SF-6" SINGLE FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF 167TH STREET WEST. (District V)

Deferred from April 20, 1999, at request of Council Member Martz.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-382 a.

MAPC Recommendation:	Approve subject to platting (14-0)
Staff Recommendation:	Approve subject to conditions.
CPO Recommendation:	Deferred the request. (7-0)

Motion --

Martz moved that the Council concur with the findings of the MAPC; approve the zone change and C.U.P., subject to Platting within one year and the recommended conditions; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

NEW BUSINESS

PAVING PETITIONS

PETITION FOR LARK LANE IMPROVEMENT, SOUTH OF KELLOGG. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-407.

On March 7, 1995, the City Council approved a Petition to pave Lark Lane south of Kellogg. The Petition was a platting requirement for Lark 2nd Addition. The project was completed in 1998. The Developer has submitted a new Petition to expand the original assessment district to include 216 additional lots and part of the Reserve in Lark 4th Addition. The signatures on the Petition represent 2 of 199 (1%) resident owners of 52.7% of the improvement district area. CPO Council 5 considered the Petition on April 14, 1999. The Council voted 5-0 to recommend disapproval.

The improvement consists of a 32 foot wide collector street with curb and gutter. It provides access to Kellogg and Pawnee for the Lark neighborhood located south of Kellogg, west of Lark Lane.

The Petition amount is \$262,000. The funding source is special assessments. The estimated assessment per lot is \$1,058.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that this Item be deferred three weeks. Motion carried 6 to 0. (Knight absent)

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PETITION TO PAVE BRENTWOOD, FROM CLARK TO MT. VERNON. (District III)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-408.

The signatures on the Petition represent 5 of 9 (55.6%) resident owners of 45% of the improvement district area. On April 8, 1999, CPO Council 3 considered the Petition. A motion to recommend approval failed 4-2.

Brentwood, south of Mt. Vernon, is a sand road that provides access to an area that is comprised of single-family homes.

Alternatives:

1. Accept the Petition as submitted.
2. Order in the project on an equal share basis using the Petitioned improvement district.
3. Order in the project on an equal share basis using the statutory method of extending the improvement district half the distance to the next parallel street.
4. Order in the project on a square foot basis using the statutory method of extending the improvement district half the distance to the next parallel street.

The estimated cost of the project is \$55,000 with the total assessed to the improvement district. The proposed method of assessment is the front foot basis. The estimated assessment rate is \$68.00 per front foot of ownership.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard.

Jeff Spahn

Jeff Spahn, 3601 East Mt. Vernon, said there is no question that those who want the project approved would benefit greatly. If the project must be approved, it is hoped that those who benefit most would pay the most or all be assessed an equal amount.

Joe Ludiker

Joe Ludiker, 3535 East Mt. Vernon, said he has already paid specials for Mt. Vernon and that his property has no benefit, no access, and no use for the improvements.

Mr. Ludiker requested that his property be removed from the improvement or that the assessments be spread on an equal share basis.

Alan Siegman

Alan Siegman asked that the petition be passed the way it was written or that it be rejected completely. There would be benefit to all from drainage improvements, reduction in those who get stuck in the ditch, and improved property values.

Vice Mayor Rogers left the Bench; Council Member Cole in the Chair.

Mary Spurrier

Mary Spurrier said she had broken a leg on the gravel street. The street, in its present condition, is dangerous and the water problems are terrible.

Chris Ludiker

Chris Ludiker said he had checked statistics which showed that the beginning of 1999 there have been no reports of reckless driving in the area.

Jeff Spahn

Jeff Spahn, responding to a question, said he would agree to a petition which had more properties included and the costs were assessed on an equal share basis.

Motion --

-- carried

Lambke moved that a new petition for the larger area, with the costs on an equal share basis, be circulated. Motion carried 5 to 0. (Rogers, Knight; absent)

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MAPLE STREET

MAPLE STREET IMPROVEMENT, FROM MAIZE TO 119TH STREET WEST. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-409.

On April 29, 1997, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for reconstructing the intersection of Maple and Seneca. KDOT had agreed to pay 90 percent of the cost of construction and construction engineering.

The recent Transportation Equity Act for 21st Century (TEA-21) Federal legislation provided for the elimination of the cap on federal participation in construction engineering of fifteen percent of the construction costs. As a result, the City/State Agreement on file for this project is being revised to eliminate language related to the cap on federal participation in construction engineering.

The intersection consists of installing left-turn lanes, upgrading traffic signals and landscaping.

KDOT will reimburse the City for 90% of the cost of construction and construction engineering services. The funding source for the City's share is General Obligation Bonds.

Council Member Cole

Council Member Cole inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Martz moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

ART MUSEUM

ART MUSEUM EXPANSION PROJECT. (District VI)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-410.

On March 25, 1997, as part of the Core Area Plan, the City Council approved the reconstruction of the Art Museum entrance and authorized the Staff Screening and Selection Committee to select an Architect for design. Later in the year, the City Council approved a contract with Chan Krieger & Associates as the design consultant for the entrance project.

On November 18, 1997, the City Council approved a change in the Museum's governance and entered into a contract with the Wichita Art Museum, Inc., not-for-profit entity, to manage and operate the Museum under the direction of the City Council. Under the terms of the agreement, a new Board of Trustees would be contractually responsible to the City for all aspects of the Museum's operations. This Board would also bear full responsibility for fund raising, programming, and staffing.

After assuming the management responsibilities of the Museum, a Building and Grounds Committee began reviewing the entrance work proposed by the architect and made recommendations that, rather than deal solely with the issue of a new entrance, the desired expansion of the entire Museum be studied/designed. The Board of Trustees approved an Improvement Vision (with input from the Museum Staff, representatives from the Friends, and other Museum and attraction directors) calling for the implementation of plans to expand the Wichita Art Museum and not just alterations to the building entrance. This proposal did not attempt to comprehensively describe the physical needs of the Museum, or to replace a Museum strategic/master plan or an architectural plan. Rather, it was intended to gain consensus among Museum stakeholders about general facility needs and wants, focusing discussions on a number of assumptions and specific needs and ideas as follows:

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The primary aim of improvements to the Museum is to make the Museum more accessible and attractive to its audience---the citizens of Wichita, and to attract the potential audience who have not been drawn to the Museum.

Make the Museum more accessible and attractive, more user-friendly and welcoming for visitors, and using more people to the Museum by making it a better alternative for event rental.

A new access point/entrance.

A project not limited to an expansion, but also reconfiguration of existing space.

The Improvement Vision has resulted in a proposal to expand the Museum with capacity for the next 25 - 50 years. Mr. Richard DeVore, President of the Wichita Art Museum, presented this conceptual plan to the City Council on April 20, 1999, with a cost estimate of \$10 million.

On behalf of the Board of Trustees, DeVore requested that the City Council to: (1) approve funds this year to retain the services of a local architectural firm to prepare expansion plans for the Museum; and (2) allocate funding of \$6 million and schedule the expansion project in its next Capital Improvements Program. The balance of the funding would be provided from other sources.

The City Council reacting to the request from the Wichita Art Museum Board of Trustees directed that this matter be brought before the City Council at its May 4, 1999 Council Meeting.

The proposed Museum expansion project is estimated to be approximately \$10 million; however, until design and bid, this number serves only as an estimate. Once the architectural firm is selected and the fee negotiated, the necessary budget adjustments will be returned to the City Council for approval. The current 1998-99 CIP contains a project for Art Museum Entrance Modification (PB-9604).

Dick DeVore	Dick DeVore, President of the Wichita Art Museum Board of Trustees, said additional funding in the amount of \$1.5 million had been assured.
Council Member Cole	Council Member Cole inquired whether anyone wished to be heard and no one appeared.
Council Member Lambke	Council Member Lambke said a very small number of tax payers use the Art Museum and he could not support asking all of the tax payers to pay for the few users.
Council Member Pisciotte	Council Member Pisciotte stated that the Art Museum is an integral part of the entertainment community and goes hand-in-hand with economic development.
Motion --	Pisciotte moved that the Resolution be adopted; the Staff Screening and Selection Committee be authorized to solicit and select a design consultant; and the decision on funding for the expansion project be deferred pending review and action on the Capital Improvements Program. Motion carried 4 to 1.
-- carried	Lambke BNo. (Rogers, Knight; absent)

RESOLUTION NO. R-99-149

A Resolution authorizing the issuance of general obligation bonds of the City of Wichita, Kansas, to pay all or a portion of the costs of designing and constructing modifications to and an expansion of the Wichita Art Museum, presented. Pisciotte moved that the Resolution be adopted. Motion carried 4 to 1. Yeas: Cole, Gale, Martz, Pisciotte. (Rogers, Knight; absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder	Superintendent of Central Inspection reviewed the Item.
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Agenda Report No. 99-406.

On March 23, 1999 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on two (2) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on May 4, 1999.

On March 1, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

Property Address	Council District
1. 1603 N. Ash	1
2. 1543-45 N. Northeast Parkway	1

Pursuant to State Statute the Resolutions were duly published twice on March 24, 1999, and March 31, 1999. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Council Member Cole Council Member Cole inquired whether anyone wished to be heard and no one appeared.

Motion -- Lambke moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures, be adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be followed. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of May 4, 1999; (2) the structure(s) has/have been secured as of May 4, 1999 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of May 4, 1999 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

RESOLUTION NO. R-99-144

A Resolution finding that the structure located on Lots 89, 91, and 93, on Strong, now Ash Street in Logan Addition to Wichita, Sedgwick County, Kansas, commonly known as ,1603 North Ash, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. R-99-145

A Resolution finding that the structure located on Lots 20, 21, 22, Block 14, University Heights Addition to Wichita, Sedgwick County, Kansas, commonly known as 1543-45 North Northeast Parkway, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

MCCONNELL AFB **PRESENTATION BY MCCONNELL AIR FORCE BASE.**

This Item was pulled from the Agenda.

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PROCLAMATIONS

PROCLAMATIONS:

--Decorative Painting Week
--Small Business Week
--Public Service Recognition Week

Motion -- carried

Cole moved that the Proclamations be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

CONSENT AGENDA

Lambke moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0. (Rogers, Knight; absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 3, 1999.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains
as per specifications

27th Street North from the east line of Amidon to the west line of Coolidge Gilder's Court, Gilders
Riverside, and Diamond Additions - **2** mile west of Amidon and 25th Street North. (472-
82888/764670/490569) Traffic to be maintained through construction. City Council approval date:
11/18/97. (District VI)

Kansas Paving Company - \$64,063.90 (Corrected)

Bullinger from the north line of 25th Street North to 120' north of the north line of 26th Street North
Northwest Heights, Northridge, and Quaker Heights Additions - **2** mile west of Amidon and 25th Street
North. (472-82943/765263 /490628) Traffic to be maintained through construction. City Council
approval date: 08/11/98. (District VI)

Kansas Paving Company - \$97,042.00

Lateral 74, Main 17, Sanitary Sewer #22 to serve Unplatted Tract in Section 31, Township 26S, Range 1E
- north of 33rd Street North, east of Amidon. (468-82917/743757/743757) Traffic to be maintained
through construction. City Council approval date: 11/10/98. (District VI)

Ditch Diggers LLC - \$4,055.00

Lambke moved that the contracts be awarded as outlined above, subject to check, same being the lowest
and best bids within the Engineer's construction estimate. Motion carried 5 to 0. (Rogers, Knight; absent)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Northeast Maintenance
Substation (702035)

Caro Construction - \$1,128,907.00 (Base Bid)
\$ 116,500.00 (Add Alternate #1)
\$ 34,500.00 (Add Alternate #2)
\$ 5,410.00 (Add Alternate # 8B)
\$ 15,600.00 (Add Alternate #9)
\$ 2,950.00 (Add Alternate #10)

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\$ 110,600.00 (Add Alternate #13A)

\$ 1,650.00 (Add Alternate #14)

HUMAN SERVICES DEPARTMENT/WHA DIVISION: Security Camera System Installation at
Greenway Manor and McLean Manor (127779)

Sandifer Engineering & Controls Inc. - \$45,932.00 (Total Net Bid)

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HUMAN SERVICES DEPARTMENT/WHA DIVISION: Window Replacement of Seventeen (17) Homes at Various Locations (127803)

McFadden Construction Co., Inc. - \$13,200.00 (Group I/Total Lump Sum)
\$12,900.00 (Group II/Total Lump sum)
\$15,000.00 (Group III/Total Lump Sum)

Arambula Construction Co. - \$18,100.00 (Group IV/Total Lump Sum)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Coating of Two (2) Million Gallon Tank (183632)

Larry Booze Roofing Inc. - \$253,000.00 (Lump Sum Total/Plus Appl. Sales Tax)

PARK DEPARTMENT/GOLF COURSE MAINTENANCE DIVISION: Golf Course Mowers, Utility Vehicles with Attachments, Trap Rakes, and Turf Top-Dresser (696047)

Outdoor Equipment - \$358,301.27 (Total Net Bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Joint and Crack Seal (132225)

Deery American Corporation - \$0.1719 (Total Net Bid/Per Pound)

Lambke moved that the contracts be awarded as outlined above, subject to check. Motion carried 5 to 0. (Rogers, Knight; absent)

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Andy Nguyen	Cantonese Restaurant*	403 North Seneca
<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Erik Somers	Atomic Burrito of Wichita I LCC*	310 North Rock Road
<u>New Operator</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Bob Scofield	Chug-A-Lug	5111 West 13th
Nancy Hollingsworth	Tropic's Lounge*	2705 North Broadway

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Lambke moved that the licenses be approved subject to Staff review and approval. Motion carried 5 to 0. (Rogers, Knight; absent)

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

135th Street West from Maple to 1/2 mile south (along 135th Street West, south of Maple). 472-83062, 82461, 82840, 82841/765578, 765545, 765529, 765537/490689, 490656, 490654, 490655 135th will be closed for construction. City Council approval date: 1/26/99. (District V)

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Motion --
-- carried

Lambke moved that the Plans and Specifications be approved and bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., May 14, 1999, be advertised. Motion carried 5 to 0. (Rogers, Knight; absent)

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a. Water distribution system on Edwards Avenue, south of May Southwest Industrial Park - west of Meridian, south of K-42. (448-89371/734916/470586) Does not affect existing traffic. City Council approval date: 3/2/98. (District IV) - \$32,978.00
- b. 1999 sanitary sewer reconstruction program, Phase 1 - north of Kellogg, east of Broadway. (468-82970/620258/669383) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (Districts I, IV, VI) - \$494,554.08
- c. Lateral 289, Southwest Interceptor Sewer to serve Harvest Chapel Addition - 55th Street South and Seneca. (468-82033/740381/480128) Traffic to be maintained through construction. City Council approval date: 1/23/90. (District IV) - \$21,100.00
- d. Rita from the west line of Lot 12, Block 1 to the west line of Stony Point Lane; Stony Point Circle from the south line of Rita to and including cul-de-sac; Stony Point Lane from the south line of Rita to the west line of Rita; and Jewell Court from the south line of Lindsay's Orchard Addition - north of Pawnee, west of Maize. (472-83058/765567/490678) Does not affect existing traffic. City Council approval date: 1/12/99. (District V) - \$181,000.00
- e. 1999 Sanitary Sewer Reconstruction Program, Phase 2, Eaton Place - south of Douglas, east of Broadway. (468-82978/620261/669386) Traffic to be maintained during construction using flagperson and barricades. City Council approval date: 1/26/99. (District I) - \$48,016.50
- f. Wild Rose from the south line of Lot 81, Block 4 and the south line of Lot 18, Block 6, to the north line of Lot 76, Block 4 and the north line of Lot 14, Block 6; Forest Lakes from the south line of Lot 48, Block 3, and the south line of Lot 7, Block 6, to the nor Forest Lakes Addition - north of 29th Street North, west of Ridge. (472-82326/765568/490679) Does not affect existing traffic. City Council approval date: 4/6/93. (District V) - \$167,174.00

Motion -- carried

Lambke moved that the Preliminary Estimates be approved and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Health, 4-8-99
Board of Park Commissioners, 4-12-99
Wichita Historic Preservation, 3-8-99
Wichita Human Services Board, 3-23-99

Motion -- carried

Lambke moved that the Minutes be received and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

BOARDS REPORTS ANNUAL REPORT OF ADVISORY BOARDS/COMMISSIONS.

Public Art Advisory Board, 1998.

Motion -- carried

Lambke moved that the Report be received and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses considered.

AGREEMENTS/ CONTRACTS

DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM - SOUTH OF 61ST STREET NORTH, EAST OF THE LITTLE ARKANSAS RIVER. (District VI)

Agenda Report No. 99-412.

The proposed Agreement between the City and Austin Miller, P.A. provides for the design of Water Distribution System No. 448 89363 (south of 61st Street North, east of the Little Arkansas River). The Staff Screening & Selection Committee selected Austin Miller for the design on March 8, 1999.

Payment will be on a lump sum basis of \$33,000, and will be paid by special assessments and Water Utility.

Motion --
-- carried

Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

DESIGN SERVICES FOR HUNTERS RIDGE ADDITION AND PAWNEE MESA ADDITION - NORTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 99-413.

The City Council approved the Hunters Ridge Addition and Pawnee Mesa Addition plats on March 30, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Hunters Ridge Addition and Pawnee Mesa Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman Company because Baughman Company provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$55,200, and will be paid by special assessments.

Motion --
-- carried

Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

DESIGN SERVICES FOR DILLON 12TH ADDITION AND BALTHROP ADDITION - NORTH OF 13TH STREET, EAST OF GREENWICH. (District II)

Agenda Report No. 99-414.

The City Council approved the Dillon 12th Addition plat on July 14, 1997 and Balthrop Addition plat on March 19, 1996.

The proposed Agreement between the City and Professional Engineering Consultants (PEC) provides for the design of bond financed improvements in the Dillon 12th Addition and Balthrop Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment will be on a lump sum basis of \$25,500, and will be paid by special assessments.

Motion --
-- carried

Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

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CONSTRUCTION ENGINEERING FOR MERIDIAN - FROM MAPLE TO CENTRAL.

(Districts IV & VI)

Agenda Report No. 99-415.

On April 7, 1998, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for reconstructing Meridian, from Maple to Central. KDOT had agreed to take bids for the project and participate in the project's funding. On March 16, 1999, the City Council approved a Supplemental Agreement allowing the City to take bids for the project. An Agreement between the City and KDOT for construction engineering services has been prepared.

Meridian will be widened to provide turn lanes and additional traffic-carrying capacity.

The estimated construction cost is \$1,900,000. KDOT will reimburse the City for 80% of the cost for construction engineering services which has an upper limit of \$255,299.66. The funding source for the City's share is General Obligation Bonds.

Motion --
-- carried

Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

EASEMENT ENCROACHMENT FOR GLOBAL ENGINEERING, RICHMOND THIRD

ADDITION. (District IV)

Agenda Report No. 99-416.

The property owners at 1539 South St. Paul request the attached Agreement to allow a 12 foot encroachment of a building into a 20 foot Storm Water Sewer drainage easement located in the north half of the vacated Monroe street right-of-way between St. Paul Avenue and the Missouri Pacific Railroad right-of-way, all in Richmond 3rd Addition.

The Agreement allows the property owner to occupy a 12 foot portion of the drainage easement and waives all rights to action in law arising out of the encroachment over the easement. In addition, the property owner agrees to hold the City harmless for any damages to their property that could arise due to their occupation of this portion of the easement.

There is no cost to the City.

Motion --
-- carried

Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

SUPP. AGREEMENTS CONSTRUCTION FOR MAPLE AND SENECA. (District IV)

Agenda Report No. 99-417.

On April 29, 1997, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for reconstructing the intersection of Maple and Seneca. KDOT had agreed to pay 90 percent of the cost of construction and construction engineering.

The recent Transportation Equity Act for 21st Century (TEA-21) Federal legislation provided for the elimination of the cap on federal participation in construction engineering of fifteen percent of the construction costs. As a result, the City/State Agreement on file for this project is being revised to eliminate language related to the cap on federal participation in construction engineering.

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The intersection consists of installing left-turn lanes, upgrading traffic signals and landscaping.

KDOT will reimburse the City for 90% of the cost of construction and construction engineering services. The funding source for the City's share is General Obligation Bonds.

Motion --
-- carried

Lambke moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

13TH AND WACO

CONSTRUCTION FOR 13TH STREET AND WACO. (District VI)

Agenda Report No. 99-418.

On June 3, 1997, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for reconstructing the intersection of 13th and Waco.

The reconstruction has been completed.

The recent Transportation Equity Act for 21st Century (TEA-21) Federal legislation provided for the elimination of the cap on federal participation in construction engineering of fifteen percent of the construction costs. As a result, the City/State Agreement on file for this project is being revised to eliminate language related to the cap on federal participation in construction engineering. Without this change, any construction engineering expenses in excess of fifteen percent incurred by City staff would not be eligible for reimbursement.

The project consisted of installing left-turn lanes, upgrading traffic signals and landscaping.

Federal funds administered by KDOT paid ninety percent of the cost of construction and construction engineering. The City's share will be paid by General Obligation Bonds.

Motion --
-- carried

Lambke moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

SIGNALIZATION

TRAFFIC SIGNALIZATION PROGRAM. (District VI)

Agenda Report No. 99-419.

On February 24, 1998, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for upgrading traffic signals in the Core Area. KDOT had agreed to let the construction contract for the project and participate in the project funding.

The recent Transportation Equity Act for 21st Century (TEA-21) Federal legislation provided for the elimination of the cap on federal participation in construction engineering of fifteen percent of the construction costs. As a result, the City/State Agreement on file for this project is being revised to eliminate language related to the cap on federal participation in construction engineering.

New overhead signals are being installed at the intersections for First and Emporia, Second and Emporia, Second and St. Francis, and First and Washington.

The estimated project cost is \$354,000, with \$104,000 paid by the City of Wichita and \$250,000 by the State. The funding source for the City share is General Obligation Bonds.

Motion --

Lambke moved that the Supplemental Agreement be approved and the necessary signatures be

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-- carried

authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

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MT. VERNON BRIDGE MOUNT VERNON BRIDGE OVER GYPSUM CREEK. (District III)

Agenda Report No. 99-420.

On June 6, 1995, the City approved an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design the Mount Vernon Bridge over Gypsum Creek.

The proposed Supplemental Agreement between the City and MKEC provides for engineering services for the design and preparation of special metal panels to be installed by the bridge contractor.

Payment will be on a lump sum basis of \$10,400, and will be paid by General Obligation Bonds.

Motion --
-- carried

Lambke moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

DISCHARGE PERMIT GROUND/SURFACE WATER DISCHARGE PERMITS FOR SANITARY SEWER SYSTEM.

Agenda Report No. 99-421.

Section 16.04.290 of the Code of the City of Wichita, Kansas, prohibits the discharge of ground/surface water to the sanitary sewer system, unless permitted by the City. Such discharges are considered extraneous water, and therefore, the permit is intended to be a temporary method of disposal. The permit period is limited to five years, with the understanding that the permittee is to proceed to implement treatment alternatives so that the discharge will meet criteria for acceptance into the waters of the State. Presently there are 16 groundwater permits discharging remediated groundwater into the sanitary sewer.

One of the sixteen permitted dischargers, Unocal, has been seeking other direct discharge alternatives. The nearest location for the discharge to enter the waters of the state is a stormwater ditch maintained by the Public Works Stormwater Utility. Because the discharge flow rate is fourteen (14) gallons per day, Public Works is concerned that the minimal flow may result in overgrowth of undesirable vegetation and harbor vectors such as mosquitoes. The water cannot be reinjected into the aquifer, as this is part of the North Industrial Corridor groundwater contamination area.

Current regulations do not allow any extensions of the permit period beyond the five-year term. The permittee then has to appeal the regulation first to the plumbing board, then to City Council. Staff recommends that City Council approve a change to the regulations, which states that if it is in the best interest of the City to extend the permit period, it will be allowed after the discharger petitions the Director of Water & Sewer to do so.

An annual permit renewal fee of \$1,000 is required under current regulations, plus the discharger is responsible for sewer charges based on current sewer rates.

Motion -- carried

Lambke moved that the revision(s) in the regulations be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

SEWER PLAN

SANITARY SEWER MASTER PLAN UPDATE.

Agenda Report No. 99-422.

In 1992, the City Council approved a Sanitary Sewer Master Plan (Plan) document and the projects associated with it. The 1992 Plan was the first such undertaking since 1971. The 1992 Plan assessed the City's sanitary sewer service area needs through the year 2010. After adoption of the Plan, Staff recommended that the City update the Plan on a routine basis to insure that the recommendations and projects being implemented were still relevant to the City's current needs.

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Extraordinary growth in the northwest portion of the City prompted Staff in 1997 to recommend the development of a master plan to address sanitary sewer needs in that area. The City's CIP contained approved funding for a City-wide update of the Plan in the year 2000. Concerns about future development trends motivated the City Council to direct Staff to move the development of a Plan update to the year 1999.

In accordance with the City's administrative regulations, the Staff Screening and Selection Committee solicited responses to a Request for Proposals (RFP) from professional engineering firms experienced in providing sanitary sewer master planning services. Three (3) teams of professional engineering firms responded to the RFP and were interviewed by the Committee. Those firms were: Black & Veatch/George Butler Associates; Professional Engineering Consultants/Brown & Caldwell; and Mid-Kansas Engineering Consultants/Burns & McDonnell.

The fee proposals ranged from approximately \$263,000 to \$473,000. After hearing oral presentations by all the responding engineering teams, the Staff Screening and Selection Committee voted unanimously to recommend the team of Professional Engineering Consultants/Brown & Caldwell for the 1999 Sanitary Sewer Master Plan Update.

Water & Sewer Department Staff has negotiated a contract with PEC/Brown & Caldwell for \$290,895. Included in the master planning work are the development and maintenance of a web site on the Water & Sewer Department's web page to provide timely information to the public on the master plan development and to provide a forum for citizen input. Also included in the project cost are public involvement meetings. The governing body should provide Staff input on how to structure citizen involvement.

Staff anticipates that the Master Planning effort will take approximately twelve months.

The adopted CIP anticipated the Sanitary Sewer Master Plan Update occurring in the year 2000 and is identified as project S-508 with a capital authorization of \$500,000.

Motion --

Lambke moved that the Contract be approved and the necessary signatures be authorized; the Water & Sewer CIP be amended to advance Project S-508 to 1999 to be paid from Sewer Utility cash and/or a future revenue bond issue; the Resolution be adopted; and the Notice of Intent to Publish be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

RESOLUTION NO.

Presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

IRB BPRINTING, INC. TERMINATION OF INDIVIDUAL GUARANTY - IRB - PRINTING, INC. (DISTRICT VI)

Agenda Report No.

The City has issued four series of Taxable Industrial Revenue Bonds for Printing, Inc., two series in 1995 and two series in 1996. Bond proceeds were used to finance the expansion of existing manufacturing facilities located at 344 N. St. Francis in downtown Wichita. Printing, Inc. was granted a 100% property tax exemption for a 5-year plus 5-year term. Payment of the bonds was personally guaranteed by Mark Woodman, who was then the sole shareholder of Printing Inc. Mark Woodman sold his stock in Printing, Inc. and the company now asks for termination of Woodman's individual guaranty on the bonds.

In 1998, Mark Woodman sold all of his Printing, Inc. stock to Consolidated Graphics, Inc. (ACGX®). Printing, Inc. is still headquartered in Wichita and managed by Mark Woodman. In connection with the

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stock purchase, Consolidated Graphics Management, Ltd., (ACGX, Ltd® an affiliate of CGX, purchased all the bonds from Boatmen's Bank. CGX, Ltd has consented to a release and termination of Mark Woodman's personal guaranty of the bonds, and Printing, Inc. likewise consents to the release and termination. Mark Woodman no longer has a managing interest in Printing, Inc. and there is 100% bondholder approval to terminate Woodman's personal guaranty.

Motion --
-- carried

Lambke moved that the documents be approved and the necessary signatures be authorized; and the Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers, Knight; absent)

ORDINANCE

An Ordinance amending Ordinance No. 42-963 and Ordinance No. 43-007; approving the form and consent to the execution of a termination of individual guaranty; authorizing execution and delivery of a second supplemental amending indenture; authorizing execution and delivery of a second supplemental amending lease, introduced and under the rules laid over.

TAX CREDITS

KANSAS COMMUNITY SERVICE TAX CREDIT PROGRAM ACT APPLICATIONS.

Agenda Report No. 99-424.

On July 1, 1994, the State of Kansas initiated the Kansas Community Service Program Act. The Act authorizes tax credits (from state income tax) for cash contributions made to approved non profit organizations by private business firms, financial institutions and insurance companies. The State of Kansas has authorized a total of \$5 million in tax credits per fiscal year, for eligible projects. Eligible contributors (usually private for profit companies) receive a credit equal to 50% of the amount donated to non profits. Typically, the tax credit proceeds are used for capital projects, either new facilities or expansion of existing facilities, that are one time in nature. Applications for the State tax credits for non profits are competitive.

A number of local agencies have submitted requests for local government endorsement of their State non-profit tax credit applications. A list of the agencies applying for the tax credits are attached. If approved by the State, the eligible contributor is eligible to receive 50% credit of the cash contribution towards their State income taxes for contributions made to the community service organization during a one year period from the date of application approval.

The proposed applications do not conflict with any local plans, zoning or land use requirements. The endorsement does not obligate the City to fund, supervise or in any way associate itself with the applicant.

The proposed applications have no impact on City finances and do not require any City financial participation.

Motion --
-- carried

Lambke moved that the applications be supported and the Mayor be authorized to sign the Local Government Endorsement Form. Motion carried 5 to 0. (Rogers, Knight; absent)

PROPERTY DISP.

SALE OF 920 EAST FIRST STREET. (District VI)

Agenda Report No. 99-425.

An offer of \$330,000 has been received from David Burk to purchase the city-owned property located at 920 East First Street. The site contains 22,063 square feet and is improved with an 18,872 square foot commercial building. This property was acquired by the City in 1998 for \$320,000 with the prior owner, Alford Electric, continuing to lease the building from the City. Alford remains in occupancy. The property is on the eastern boundary of the Old Town District and was acquired for potential additional Old Town

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parking or redevelopment.

The property is currently leased on a net basis for \$2,500 per month (\$30,000 per year). Prior to acquisition, the property was appraised for \$350,000. Mr. Burk has offered \$330,000 for the property. He intends to renovate the building for multi-tenant usage. Additional window will be added and the interior upgraded for office and/or retail uses. The exterior of the building will be redone compliment the Old Town Marketplace area.

The City will receive \$330,000, net of closing costs, for the sale of the property. No public or CDBG funds or tax abatements will be requested for the renovation of the building.

Motion --

Lambke moved that, conditioned on allowing Alford to stay until December 30th (the last day) and the property possession not taking place until after that date, the property sale and notice to terminate the lease be approved; the negotiation of the Real Estate Purchase Contract be and necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

ORDINANCES

FIRST READING ORDINANCE.

Motion -- carried

Lambke moved that the Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers, Knight; absent)

ORDINANCE

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 27 through 31 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --

-- carried

Cole moved that Planning Agenda Items 27 through 31 be approved as consensus Items. Motion carried 5 to 0. (Rogers, Knight; absent)

V-2139

V-2139 - PUBLIC HEARING REQUEST TO VACATE ACCESS CONTROL LOCATED IN AN AREA SOUTH OF 13TH STREET NORTH AND EAST OF OLIVER. (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-426.

MAPC Recommendation: Approve vacation of access control.

Staff Recommendation: Approve vacation of access control.

The applicant recently amended the Lambsdale C.U.P. (DP-135) to allow for self-storage units to be constructed on Parcel 3 of this C.U.P. However, the approved site plan for the storage units shows the opening to 13th Street North in an area which is not permitted access by the plat. The plat currently limits the two lots which make up Parcel 3 of the Williamsburg C.U.P. to one opening a piece. If the vacation is approved it will reduce the number of access points to 13th Street North by one. The applicant is requesting to vacate the platted access control to match the amended C.U.P.

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No one spoke in opposition to this request at the MAPC's hearing. The MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant dedicating access control on Lots 25 and 26, except for one opening located in the eastern 50 feet of Lot 25, Williamsburg Addition. The applicant has dedicated this access control. No written protests have been filed.

The Notice of Hearing was published.

Council Member Cole Council Member Cole inquired whether anyone wished to be heard and no one appeared.

Motion -- Cole moved that the public hearing be closed; the dedication and vacation order be approved; and the
-- carried necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

**D-1754 D-1754 - DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTHEAST
CORNER OF 29TH STREET SOUTH AND WEST STREET. (District IV)**

Agenda Report No. 99-427.

MAPC Recommendation: Approve the dedication.

As a requirement of an associated lot split (L/S 0999), this dedication is being made for the purpose of construction and maintenance of utilities.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Cole moved that the Dedication be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

**D-1755 D-1755 - DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTHEAST
CORNER OF 33RD STREET NORTH AND AMIDON. (District VI)**

Agenda Report No. 99-428.

MAPC Recommendation: Approve the dedication.

As a requirement of an associated lot split (L/S 0995), this dedication is being made for the purpose of construction and maintenance of utilities.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Cole moved that the Dedication be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

**D-1756 D-1756 - DEDICATION OF STREET RIGHT-OF-WAY LOCATED ON THE SOUTHEAST
CORNER OF 33RD STREET NORTH AND AMIDON. (District VI)**

Agenda Report No. 99-429.

MAPC Recommendation: Approve the dedication.

As a requirement of an associated lot split (L/S 0995), this dedication is being made for the purpose of additional street right-of-way for Amidon.

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The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Cole moved that the Dedication be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

D-1757

D-1757 - DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTHEAST CORNER OF 33RD STREET NORTH AND AMIDON. (District VI)

Agenda Report No. 99-430.

MAPC Recommendation: Approve the dedication.

As a requirement of an associated lot split (L/S 0995), this dedication is being made for the purpose of construction and maintenance of utilities.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Cole moved that the Dedication be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

S/D 97-50

S/D 97-50 - PLAT OF TRINITY ACADEMY ADDITION LOCATED SOUTH OF 21ST STREET NORTH, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 99-431.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This site was annexed into the City on April 30, 1999. The County's Four Mile Creek sanitary sewer system is available to service this site. A 100% petition has been submitted for City water and future sanitary sewer improvements. A petition for paving improvements will be handled by the County. Both City and County Certificate of Petitions have been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions will be recorded with the Register of Deeds.

Motion --

-- carried

Cole moved that the petitions, plat, and documents be approved, the Resolutions be adopted, and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

RESOLUTION NO. R-99-147

Resolution of findings of advisability and Resolution authorizing construction of Lateral 147 War Industries Sewer, (south of 21st, west of 127th Street East) 468-82941 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-148

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89383 (south of 21st, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Gale,

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Lambke, Martz, Pisciotte, Rogers, Knight.

Z-3299

Z-3299 - A ZONE CHANGE REQUEST FROM "MF-18" MULTI-FAMILY RESIDENTIAL TO "MF-29" MULTI-FAMILY RESIDENTIAL, LOCATED NORTH OF 29TH STREET NORTH AND EAST OF PENSTEMON. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-431.

MAPC Recommendation: November 19, 1998, Deny; April 15, 1999, Approve.

CPO Recommendation: November 9, 1998, approve; April 12, 1999, Moot vote.

Staff Recommendation: Approve, subject to the conditions of a protective overlay.

With the proposed zoning, 486 apartment units would be the maximum possible. The proposed complex will have 21 three story buildings including one building for a community room/pool facility. There are gated accesses shown on 29th Street North and on Penstemon.

Parcel 2 of DP-124 will need to be adjusted to permit access to Penstemon.

The Director of Planning stated that the applicant has agreed to pay for all of the sidewalk along 29th Street in this area.

Motion --

Pisciotte moved that the Council concur with the findings of the MAPC and approve the zone change subject to conditions and a protective overlay; place the Ordinance on first reading and withhold publication until a petition for street improvements on 29th Street has been reviewed and accepted.

-- carried

Motion carried 5 to 0. (Rogers, Knight; absent)

OFF AGENDA ITEMS

REAP

REGIONAL ECONOMIC AREA PARTNERSHIP (REAP).

Motion --

-- carried

Gale moved that Council Member Pisciotte be named as alternate representation on the Regional Council (replacing former Council Member Ferris). Motion carried 5 to 0. (Rogers, Knight; absent)

CANCELLATION

CANCELLATION OF MAY 18, 1999, CITY COUNCIL MEETING.

A City Council retreat is scheduled during the week necessitating the cancellation.

Motion -- carried

Lambke moved that the City Council Meeting of May 18, 1999, be canceled. Motion carried 5 to 0. (Rogers, Knight; absent)

EXECUTIVE SESSION

Motion --

Cole moved that the Council recess and move to executive session at 12:00 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, potential litigation, and legal advice; personnel matters of non-elected personnel; preliminary discussions relating to the acquisition of real property for public purposes; and the regular

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-- carried meeting be resumed at 1:10 p.m. in the City Council Chambers. Motion carried 5 to 0. (Rogers, Knight; absent)

RECESS Council recessed at 11:00 a.m. and reconvened in regular session at 1:25 p.m.
Vice Mayor Rogers present and in the Chair. (Council Members Lambke, Pisciotte, Mayor Knight; absent)

Vice Mayor Rogers Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

Motion -- Rogers moved that the Executive Session be extended and the Council return at 2:15 p.m. Motion
-- carried carried 4 to 0. (Lambke, Pisciotte, Knight; absent)

RECESS Council recessed at 1:25 p.m. and reconvened at 2:30 p.m.

Vice Mayor Rogers Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

Adjournment The City Council meeting adjourned at 2:30 p.m.

Pat Burnett
City Clerk